W.P. No. 736 (M/B) of 2001

Hon. Irshad Hussain, J.

Hon. M.M. Ghildiyal,J.

Heard Sri V.K.Singh, learned counsel for the petitioner and Sri S.Dhulia, learned counsel for the respondent.

Learned counsel for the parties agree that since the petitioner has alternative remedy under section 25 of the Mandi Parishad Act, the petition need be dismisse. The petition is accordingly dismissed.

The petitioner shall pursue his cause for appropriate remedy before the Mandi Parishad within one week. Learned counsel for the petitioner submitted that against demand of Rs. eleven lacs, sum of Rs. Five lacs was deposited and therefore till the final decision is taken in proceedings to be initiated under section 25 of the Mandi Parishad Act, the respondent need not pursue coercive measures for realization of remaining amount. It will not be proper to pass any order in this regard and the matter is left open to be canvassed before the competent authority in the proceedings to be initiated as alternative remedy.

(Irshad Hussain, J.)(M.M. Ghildiyal, J.)

Dt. 25.03. 03/B.

W.P. No. 736 (M/B) of 2001

Hon. Irshad Hussain, J.

Hon. M.M. Ghildiyal, J.

The order dated 25.03.2003 passed in this writ petition is corrected vide our order of date passed in civil (correction) review application no.1509 of 2003 as under:

"Heard Sri V.K.Singh, learned counsel for the petitioner and Sri S.Dhulia, learned counsel for the respondent.

Learned counsel for the parties agree that the matter in issue is to be considered and a decision is to be taken by the Mandi Samiti in the light of the material which shall be produced by the petitioner before the Samiti and the Samiti shall pass appropriate order after taking into consideration the material to be produced there according to law and in view thereof, the impugned order dated 30.07.2001 to the writ petition be set aside. We order accordingly.

The matter in dispute is relegated for decision afresh according to law to the Mandi Samiti, Dehradun."

(Irshad Hussain, J) (M.M. Ghildiyal, J)

Dt. 28.04.03./B.